

Beyond Zero Tolerance

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Beyond Zero Tolerance

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Since the fall of the Saddam Regime, Iraq's borders have been opened to heroin and hash smugglers from Afghanistan and Iran, providing a cheap market for troops. With brothers and sisters in arms being killed or wounded on a daily basis, service men and women have compromised their integrity and character by embracing drugs in order to deal with stress instead of embracing their military core values. These service members in possession of or found using illegal substances are jailed, demoted, or discharged for the service.<sup>1</sup>

Although the Department of Defense has made significant progress with its 'zero tolerance' policy on drugs, the current policy is still too weak for the United States Armed Forces. The policy allows commanders to keep convicted drug offenders in the military to complete the remaining time on their contract. The service member can even be discharged under honorable conditions, which degrade military core values and undermines the good order and discipline of the U.S. Armed Services. Therefore, the Department of Defense must implement a new policy, stating that all service members convicted of drug abuse must be allowed immediately discharged from the military with a bad conduct discharge in order to foster good order and discipline and core military values.

## **Background**

Current Department of Defense 'zero tolerance' policy on drugs states the military will "provide education and training on DoD policies for drug and alcohol abuse/or dependency, and on effective measures to alleviate problems associated with alcohol and drug abuse and/or dependency. Services will Counsel, discipline, and/or process drug abusers for separation and refer or provide treatment to civilian employees in accordance with laws, regulations, and DoD Directives." <sup>2</sup> Essentially the DoD zero tolerance policy means there will be some form of punishment given to service members caught using drugs. This policy allows each branch of service in the Armed forces to establish its own policy and procedures on how it wishes to deal with drug offenders as long as it falls within the guidelines of the DoD's zero tolerance policy.

The Army, Navy, and Marine Corps policies policy state commanders shall process service members for administrative separation for illegal, wrongful, or improper use, possession, sale...of any controlled substance or illicit drug. <sup>3,4,5</sup> The Air Force states "it does not tolerate the illegal or improper use of drugs; personnel found using such substances can be led to criminal prosecution resulting in a punitive discharge or administrative action, including separation or discharge." <sup>1</sup>

This looks like a philosophy of the Marine Corps: centralized command and decentralized execution, which has shown to be quite effective in accomplishing tasks. However, this philosophy is wrong regarding the enforcement of use of illegal drugs. The Department of Defense should establish a stringent policy straight across the board for all military branches stating mandatory punishment for all drug offenders.

### **Good Order and Discipline**

Preserving good order and discipline implies setting standards, policies, regulations and enforcing them. Today's Marines want their supervisors, peers, and subordinates to be held accountable for his/her actions. In many cases Marines believe the Corps is not providing the order and discipline it preaches as an institution.

However, there are some units in which the commanders are upfront and completely forthright with the Marines in which all other units should emulate. These commanders also state what they expect from Marines in the unit and what punishments will be given should the rules be broken. More importantly, when those rules concerning drug abuse are broken, the offenders are indeed processed and separated from the Marine Corps, enforcing the zero tolerance drug abuse policy to its fullest limit. A command of this type allows the Marines to know what is expected of them and what the consequences will be upon breaking the

rules resulting in the fostering good order and discipline within the unit. But, there are commands which use the rule of thumb, 'every case is different.' This punishment philosophy opens itself to problems trying to maintain order and discipline.

From day one of Recruit Training, each individual is taught that their job is just as important as every other Marine in the Corps, in essence reinforcing that every Marine is a rifleman. But, commanders expect Marines to follow and adhere to orders when the command seems to have a set of different punishment guidelines for different people. A command of this type negates fairness and justice, which are basic characteristics needed to enable good order and discipline.

Below are statistics showing the number of Marines who tested positive for illegal drugs usage the last five years.

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Fiscal Year	FY00	FY01	FY02	FY03	FY04	FY05
Number of samples tested	612,423	663,526	718,043	579,374	666,011	619655
Total positive samples reported	4,921	4,712	4,988	3848	4510	4336

Of the 4,336 Marines who tested positive for illegal drug use, only half were separated from the military before the end of

their End of Service agreement (EAS) with other than honorable discharges. In essence, half of the Marines serving and using illegal drugs finished his/her contract and was discharged honorably from the Marine Corps.

Under the current DoD drug policy the following instance can occur. Corporal Smith is an outstanding Marine. He has received nothing by excellent markings throughout his enlistment. He ensures his Marines are taken care of and receive all the training needed. Cpl Smith has stellar markings in physical fitness and while off duty devotes time to the Young Marines Program. Throughout his enlistment Cpl Smith has never been adversely counseled or received any punitive action for misconduct. At the end of his contract Cpl Smith is discharged from the Marine Corps with an Honorable Discharge.

Cpl Jones is an average performer. He does his duties in a satisfactory manner and looks to avoid any additional responsibility and consistently maintains a second class physical fitness score. Cpl Jones is confirmed as testing positive for the use of illegal drugs. He receives nonjudicial punishment and is processed for separation but retained for the remainder of his contract. At the end of his EAS Jones is discharged with an Honorable Discharge.

These situations occur within the different branches of the military and do not provide good order and discipline. Instead,

these situations provide the degradation of morale, confusion, and leads to poor command climate within the unit ultimately resulting in significant breakdown of good order and discipline. By relieving the authority given to unit commanders regarding the punishment of drug offenders and establishing a stringent policy, the DoD will better preserve good order and discipline.

### **Reinforce Military Values**

The values of the Marine Corps are honor, courage, and commitment. These values are what the Corps holds as its foundation of all the intangible characteristics that set Marines apart from others. The military expects its service members to live by high the standards instilled in them since the first day of Recruit Training and Officer Candidate School (OCS). By not separating drug offenders, the military is diluting those values.

At what time does the Marine Corps compromise itself in order to accomplish its mission? The military is failing its mission to uphold its values in order to accomplish missions which yield tangible effects. For every drug offender that is allowed to remain in the Corps, the foundation of military values is being chiseled away.

Commanders need experience, wisdom, knowledge, and judgment to make decisions regarding this issue. However, it is clear that each commander has their own command philosophy in regards



to the enforcement of the zero tolerance policy. The philosophy that has been displayed is that of merely processing drug offenders or pushing for them to be separated.

It is important to understand the relevance of the connection the military has to society regarding values. Over time, the military has prided itself on differing from society in terms of maintaining a strong, unwavering foundation of values.

Current law in today's society makes distinctions between hard and soft drugs. Society also determines the drug offender's punishment based on what type of drug is used. The military has started to show the same trend as society. Of the 4336 Marines that popped positive for drug abuse 50% were for soft drugs<sup>7</sup>. This correlates with the fact that only 50% of the drug offenders were processed and separated from the Marine Corps with an Other than Honorable Discharge.

At the expense of core values, the military continues to keep members in the force to meet personnel requirements. It is understandable the military has a hard task with retaining its service member with the current operational tempo, but quality should not be sacrificed for quantity. The military also factors enlistment which has been continually declining the last two years. To combat this loss of force, the military is riding the fence (i.e. living in the grey area) regarding the DoD's

zero tolerance drug policy. The DoD's policy has allowed individual commanders' interpretation of the policy to compromise the military's integrity, character, and honor which are key basic foundations of our military core values.

## **Conclusion**

The DoD needed a policy addressing the large drug abuse problem in the military. It established the 'zero tolerance' policy on drugs, which has been successful in identifying users of both soft and hard drug offenders. This policy has only been effective in separating the hard drug users. The policy has left the decision to let unit commanders decide on whether to allow convicted drug offenders to remain in the military.

This has led to the breakdown in the good order and discipline and the integrity of our military core values. Two significant pillars of the military institution will continue to be degraded if the DoD does not change its current zero tolerance policy and institute that all drug offender in the U.S Armed Services be expeditiously separated from the service under other than honorable conditions.

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## Notes

1. Harding, Thomas, The Daily Telegraph. "Stressed US Troops in Iraq 'Turning to Drugs'", July 23, 2005, 1.
2. Department of Defense Directive 1010.4, Change 1 "Drug and Alcohol Abuse by DoD Personnel" September 3, 1997, 4.
3. Army Regulation 600-85, " Army Substance Abuse Program (ASAP)" October 1, 2001, 4.
4. Marine Corps Order (MCO) P5300.12A, "The Marine Corps Substance Abuse Program".
5. SECNAVINST 5300.28C, "Military Substance Abuse Prevention and Control" March 24, 1999, 2.
6. Marine Corps Drug Testing Statistics, Marine Corps Community Services, 1.
7. Marine Corps Drug Testing Statistics, 1.

## Bibliography

Air Force Instruction 44-121, "Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Program" September 26, 2001.

Army Regulation 600-85, "Army Substance Abuse Program (ASAP)" October 1, 2001.

Department of Defense Directive 1010.1, Change 1 "Military Personnel Drug Abuse Testing Program" December 9, 1994.

Department of Defense Directive 1010.4, Change 1 "Drug and Alcohol Abuse by DoD Personnel" September 3, 1997.

Gilmore, Gerry J., American Forces Press Service. "DoD Winning 30 Year War Against Drugs in the Ranks."

Gilmore, Gerry J., American Forces Press Service. "Urinalysis Test (Drug Test) Results."

Harding, Thomas, The Daily Telegraph. "Stressed US Troops in Iraq 'Turning to Drugs'", July 23, 2005.

Heinl, Robert D., Colonel, USMC. "The Collapse of the Armed Forces." North American Newspaper Alliance, Armed Forces Journal, June 7, 1971.

Hillen, John and Owens, Mackubin Thomas. "Gaps, Imagined and Real: American Society and the Military Ethos." November 1999.

Jeter, Drew D., Major, USAF. Moral Leadership in an Increasingly Amoral Society: Is the United States Military Value System Suitable in Contemporary America." Air Command and Staff College, April, 1998.

Marine Corps Drug Testing Statistics, Marine Corps Community Services.

Marine Corps Order (MCO) P5300.12A, "The Marine Corps Substance Abuse Program"

SECNAVINST 5300.28C, "Military Substance Abuse Prevention and Control" March 24, 1999.